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7 Software, Inc., Winston Williams, and
Wayne Chang
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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

13 FACEBOOK, INC. and MARK
ZUCKERBERG,

14 Plaintiffs,

15 v.

16 CONNECTU LLC, (now known as CONNECTU
INC.), ET AL.

17 Defendants.
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CASE NO. C 07-01389 RS

**DECLARATION OF CAMERON
WINKLEVOSS IN SUPPORT OF
DEFENDANTS CONNECTU LLC,
PACIFIC NORTHWEST SOFTWARE,
INC., WINSTON WILLIAMS, AND
WAYNE CHANG'S OPPOSITION TO
PLAINTIFFS' MOTION FOR
PARTIAL SUMMARY JUDGMENT**

1 I, CAMERON WINKLEVOSS, declare as follows:

2 1. I have personal knowledge of the facts stated herein and if called as a witness, could
3 and would competently testify thereto.

4 2. In early 2004, ConnectU used the login information and passwords of Facebook
5 members to log into the Facebook website.

6 3. The Facebook members voluntarily provided their login information and passwords
7 to ConnectU.

8 4. In *every instance* when ConnectU manually accessed the Facebook website and a
9 Facebook member's facebook.com account, ConnectU had that member's explicit permission to: 1)
10 use the member's login name and password; and 2) access the member's account.

11 5. When using a friend's facebook.com login information, ConnectU entered only the
12 portions of the Facebook website that would have been available to that member had he or she
13 personally logged in. ConnectU never attempted to view or otherwise access any information on the
14 Facebook website that was not available to either the Facebook member whose login information
15 was being used, or to the public at large.

16 6. ConnectU sent invitation emails to join connectu.com to other students at the
17 Facebook members' schools.

18 7. These invitation emails were sent only to ".edu"—email addresses with domain names
19 owned and operated by educational institutions, (e.g., [name]@harvard.edu).

20 8. All email invitations were sent outside of, and completely independent of, the
21 facebook.com website. None of the invitation emails were sent to facebook.com email addresses,
22 (e.g., [name]@facebook.com), to facebook.com servers, or to facebook.com members' inboxes on
23 the facebook.com website.

24 9. When ConnectU was given permission by a Facebook member to send invitation
25 emails to students at the member's school, all of the emails included the name of the Facebook
26 member in the header information.

27 10. If, after receiving an invitation email, the Facebook member replied to the email, an
28 email would be sent directly to ConnectU.

1 11. All invitation emails also contained an accessible hyperlink to ConnectU's website,
2 (i.e., <http://www.connectu.com>).

3 12. Once a person became a connectu.com member, if that person was also a member of
4 facebook.com, ConnectU developed a process that would access the member's Facebook account at
5 the request of the member. This process is commonly referred to as Social Butterfly/Importer.

6 13. Social Butterfly/Importer allowed connectu.com members to import their
7 facebook.com profiles into connectu.com.

8 14. During the end of 2004 and the beginning of 2005, ConnectU accessed the accounts
9 of Facebook members via Social Butterfly only if the member voluntarily entered his user login and
10 password. ConnectU never accessed a Facebook member's account without the permission of the
11 Facebook member.


12 15. Using Social Butterfly/Importer, ConnectU sent invitation emails to a Facebook
13 member's friends only at the request of the Facebook member. ConnectU never sent invitation
14 emails to a Facebook member's friends without permission of the Facebook member. Again, these
15 invitations were sent outside of, and independent of, the facebook.com website and facebook.com
16 servers.

17 16. When ConnectU sent invitation emails to friends of a Facebook member at the
18 request of the member, all of the emails included the name of the Facebook member in the header
19 information.

20 17. At some point, ConnectU employed publically accessible URLs which provided
21 email addresses of Facebook members. These URLs were available to the general public and did not
22 require special privileges or authentication to access. Anyone with an Internet connection and a web
23 browser could view the email addresses by using these URLs.

18. I had no knowledge that Plaintiffs alleged that any of the conduct listed above was in violation of the CAN-SPAM Act, 15 U.S.C. § 7701, et seq., until Plaintiffs filed this lawsuit.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. This declaration is executed on the 6 day of February, 2008.


Cameron Winklevoos